10-7-1976

The Opinion Volume 17 Number 3 – October 7, 1976

The Opinion

Non-Profit Organization
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Buffalo, New York
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Opinion

Opinion
John Lord O'Brian Hall
SUNY/B, North Campus
Buffalo, New York 14260

Volume 17, Number 3 State University of New York at Buffalo Faculty of Law and Jurisprudence October 7, 1976

Long range plans closer

Boyer takes position as new Associate Dean

by Bob Selcor

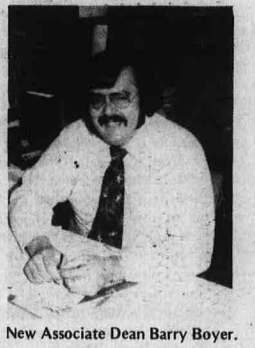
Dean Thomas Headrick announced Friday that Associate Professor Barry Boyer has been selected to replace Associate Dean Robert Fleming, who left Buffalo to become dean of the new law school at Pace University.

Since Boyer presently has a full teaching load and is directing a research project for the Administrative Conference on the rule making powers of the Federal Trade Commission, Professor William Greiner will share responsibilities of the office for a one-year term.

In addition to these two new appointments, Professor Wade Newhouse was chosen as Associate Dean in charge of the library earlier this month, bringing the number of associate deans at the law school this year to three.

Boyer graduated from the University of Michigan School of Law in 1969 and then clerked for Judge Edward A. Tamm of the United States Court of Appeals for the District of Columbia Circuit. He has also served as advisor to Commissioner Mary Gardiner Jones of the Federal Trade Commission, attorney to the Administrative Office of Legal Counsel of the United States Department of Justice and consultant to the American Bar Association.

Boyer has been at SUNYAB Law School since 1973 and has served as chairman of the Committee on Long-Range Planning as well as serving on many other committees.



New Associate Dean Barry Boyer.

Initially, Boyer will be primarily responsible for curriculum planning, teaching assignments, course offerings and scheduling.

For this semester, Greiner's duties will include handling student academic problems, counseling and advising the registrar on handling student academic questions, assisting in the preparation of budget and planning documents, and representing the law school in university matters.

Beginning next semester, Greiner will shift more responsibility to Boyer so that over the course of the year Boyer will have full charge of the position.

Next year, Boyer will handle a wider range of administrative tasks, although he will also continue in his teaching and writing duties.

Hon. Charles S. Desmond, former Court of Appeals Chief Judge introduced this year's problem for the annual moot court competition that bears his name Tuesday. Receiving a copy of the problem is second-year student Tom Stahr. The moot court teams now have about a month to prepare their 15-page briefs, with oral arguments set for November. – photo by Bob Citronberg

Dissention among SBA directors

NAACP funding sparks schism

by Jan Barber

A proposed donation of $200 in student funds to the National Association for the Advancement of Colored People (NAACP) has caused a ruckus in the Law School student government over what is proper spending of money raised through mandatory student activity fees.

By a bare majority, the Board of Directors of the Student Bar Association (SBA) voted Sept. 21 to give the money to the NAACP's legal defense fund for an appeal bond in a Mississippi state court case.

However, there was some doubt at press time whether the NAACP would see any of the money because the necessary requisition form and sufficient demonstration of the purposes of the contribution have not been given to the University Main Campus administration and it was unclear whether proponents of the donation would be able to push through an alternative plan for giving the $200 to the NAACP at Tuesday's meeting. State-wide State University guidelines require that money from mandatory student fees be spent on educational purposes which serve the university community.

The NAACP originally had until Oct. 1 to raise $1.5 million to appeal a decision in Mississippi which awarded damages to white merchants who were the target of an economic boycott by the NAACP and other civil rights groups in the late 1960's. But a federal court issued a restraining order over the weekend giving the NAACP an extra week to raise the money.

Paul Lukin, SBA treasurer, said he did not pass the requisition form for the money on to Student Affairs because neither SBA President Barry Fertel nor the SBA directors who supported the contribution provided sufficient documentation. Lukin opposed the allocation.

Fertel said Sunday, that with an extra week, proponents of the donation may be able to come up with a better justification. For example, the SBA could bring in a speaker on the suit to accept a $200 honorarium for donation to the NAACP, he said.

But Lukin said Sunday that he was not sure whether he would agree to sign such an allocation, even though Student Affairs officials have privately told him that they would probably allow the SBA to allocate funds if they were for a speaker or to "buy" copies of legal papers in connection with the suit rather than for a flat donation.

"If I felt it was a sham transaction, I might not sign it" (even if a majority of the SBA directors approved it) Lukin said. He noted that SBA members who favor the allocation could try to get it through without his signature by going to Student Affairs themselves or by bonding some other SBA member to sign.

The Sept. 21 vote to allocate the money to the NAACP was 6 to 5. Those supporting the motion were: John Yuhas, Monica Dodd, Vikki Edwards, Alice Mann and Tom Murphy, and Jim Essenson. Those opposed were Bob Citronberg, Mark Moretti, Alan Gerstman and Michael Kaye. Yuhas made the motion to allocate and Mann seconded it.

Yuhas could not be reached for comment. Mann, explaining her vote, said, in part: "The fact that an organization that is non-profit has to put up $1.25 million bond to appeal is absolutely outrageous and doesn't seem Constitutional. The objections that seem to be going on around here are that this is a political issue. But every issue is political. The law school students here try to remove themselves from outside and would spend their money on parties – thousands of dollars go to the parties – and then some SBA directors find it objectionable to spend money on present problems that affect us all outside of the law school."

SBA Secretary Citronberg, who opposed the allocation, said in an interview: "I think what this boils down to is the state forcing students to make a political donation to a non-student activity since fees used to fund the donation are mandatory fees." Citronberg said he supported the NAACP's cause, but not SBA funding of it.

SBA Director Kaye, who voted against, said: "I voted against it because I didn't think it was a responsibility of SBA to allocate funds to an organization that doesn't benefit the students ... When I saw the NAACP getting $200 that could have been allocated to a student organization it irritates me. I think people who voted for it

– continued on page 8

Schlesinger speaks on foreign justice systems

Author Rudolph Schlesinger, one of the foremost American authorities on European criminal justice systems, will deliver the annual Mitchell Lecture at the SUNYAB Law School next Thursday, Oct. 14 at 8 p.m. in the Moot Court Room.

In his prepared lecture titled "Comparative Criminal Procedure: A Plea for Utilizing Foreign Experience," Schlesinger will argue why the U.S. should adopt several European methods for handling criminal trials.

Schlesinger is currently a professor of law at the University of California's Hastings College of Law and emeritus professor of international and comparative law at Cornell University Law School.

Schlesinger is the author of "Comparative Law – Cases, Text and Materials," the first text in the field published in the U.S. and now the most widely-used in English-speaking countries.

In addition, he has authored "Formation of Contracts – A Study of the Common Core of Legal Systems." This two-volume work was hailed as the first successful attempt to investigate the areas of agreement among the world's major legal systems.

Ralph Schlesinger

Numerous other books and articles by Schlesinger have been published in Great Britain, Switzerland, Germany, France, Italy and Latin America.

A question and answer seminar pertaining to the lecture is scheduled for Friday, Oct. 15 from 10 a.m. to 12 noon in the Moot Court Room. Former Dean Richard Schwartz will chair the Schlesinger seminar, which is open to all interested faculty and students.

Professor Schlesinger will also lecture in Professor Kane's Conflict of Laws class Friday from 2 p.m. to 3 p.m. in Room 108. Faculty and students are invited to attend.

OPINION
Volume 17, No. 3 October 7, 1976
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 OPINION is published every two weeks, except for vacations, during the academic year. It is the student newspaper of the STate University of New York at Buffalo School of Law, John Lord O'Brian Hall, SUNYAB Amherst Campus, Buffalo, N.Y. 14260. The views expressed in this paper are not necessarily those of the Editorial Board or Staff of OPINION. OPINION is a non-profit organization, Third class postage entered at Buffalo, N.Y. Editorial policy of OPINION is determined collectively by the Editorial Board. OPINION is funded by SBA from Student Law Fees. Composition: University Press at Buffalo.

The President's Corner

by Barry R. Fertel

As president of the Student Bar Association, I have been presented with the opportunity to become familiar with the various organizations and groups which have a direct impact on the students here at the law school.

The group that has shown itself to have the keenest interest in the welfare of the law school and its students is the alumni of the school. Since last March I have been regularly attending the monthly meetings of the alumni association, and the sincere dedication of the alumni to the law school and its students has been extremely gratifying.

Even though I am in strong disagreement with many of the views presented at these meetings, this strong desire on the part of the alumni to promote as much good will for the school as they can is appreciated.

The alumni have placed major emphasis on the procurement of employment for the law school's graduates. Thus, the law school's alumni have been quite helpful in offering advice to students interested in particular areas of the law. One of the goals of the SBA this year is to enhance the relationship between alumni and students by increasing the interaction between the two groups. If this law school is ever to acquire a national reputation, it must have the staunch support of its alumni.

Regrettably, the group which I feel lies at the other end of the spectrum in terms of demonstrating an interest in the future of the school's students is the faculty. Of course, the majority of the faculty are deeply concerned about the students, but it is the obligation of the entire faculty to serve the best interests of their students.

There are several faculty members who convey an impression of aloofness and even elitism. The lack of participation by the faculty in the various SBA sponsored social events contributes to this view held by many students. For example, only the dean and one member of the faculty attended the SBA picnic, causing many first year students to believe that their teachers have little regard for them.

The teachers of this school have a long established record of failure with respect to meeting the true needs of their students. Several professors have practiced law in firms and government agencies, yet they have been reluctant to aid the school's graduates in obtaining employment.

Another attitude which is pervasive among the faculty is that of placing their research goals above the needs of the students. As an example, one professor suggested that funds allocated to the Law Review could be better spent for student assistants who aid faculty in their research.

Query: Would the final article which results from this student's work be published in the Buffalo Law Review or in a more "reputable" publication? How does an objective observer view a school that has faculty who refuse to publish their works in that law school's law review? As professors of law, it is the primary obligation of the faculty to serve the needs of their students and not themselves.

My attitude toward the faculty may appear a bit too negative, but it is preferable to overstate than understate the situation. The professors of this school are welcome to rebut what I have written, and demonstrate to their students where I have erred in my presentation by showing where the needs of the students have been addressed.

In any case, I would hope the teachers of this school will respond favorably by showing a greater interest in the law school's students. After all, without the students there would be no faculty, no administration and of course, no law school.

Law Symposium — Oct. 16

The Fund for Modern Courts, a Ford Foundation project, will sponsor a legal symposium Saturday, October 16 from 9 a.m. to 3:30 p.m. at the Statler Hilton Hotel in Buffalo.

The day-long event, entitled "The Citizen and the Law" will feature four simultaneous workshops conducted by area attorneys.

Professor Herman Schwartz of SUNYAB Law School will moderate a discussion of Bail," ; Family Court Judge Nannette Dembitz will lead a workshop on "Family Court," Buffalo attorney Frank Offerman will direct a panel on "Selection of Judges," and Professor Betty Friedlander of Cornell University Law School will lead a discussion of "Victimless Crime."

In addition to the moderators, the workshops will be composed of panelists with expertise in the respective areas of discussion.

The symposium is open to the public, and the registration fee is $1.00, with an additional charge of $2.50 for a box lunch. Tickets are available until October 10 from Judy Metzger at 190 Deerhurst Park, Kenmore, N.Y., or at the door on the day of the conference.

Letters to the Editors

NAACP Contribution Questioned

To the Editors:

On Tuesday, Sept. 21, the Student Bar Association voted by a 6-5 margin to give $200 of student funds to the National Association for the Advancement of Colored People as a contribution to that organization's national fund-raising campaign. The funds are to be used for an appeal bond of over one million dollars in a State of Mississippi court case.

Although the purposes and goals of the NAACP are, to the minds of most students at the Law School, laudable and worthy of the support of all students, it must be remembered that the NAACP is basically a political action organization, and that State University guidelines for the disbursement of student activities funds prohibit the Student Bar Association from giving to ANY political organization.

At the September 21st meeting, proponents of the NAACP contribution commented that the recipient of student largesse is in fact a charitable organization. Even if the NAACP does carry out acts of charity the fact remains that the measure passed by the law student government specified that the contribution was to be spent for the appeal bond in the Mississippi courts. That case is an appeal of a judgment of over one million dollars arising from a 1960's NAACP byocott of Mississippi merchants who practiced racial discrimination. The boycott was a political measure, and the appeal taken is in furtherance of the political aims of that boycott. Thus, SBA funds were given to further the political and not the charitable ends of the NAACP.

This is a gross violation of state regulations. Those regulations were established in 1972 to answer the protests of students throughout the SUNY system who found themselves paying mandatory student fees only to further political parties and ideologies with which they disagreed. It is in fact a measure to protect the free speech interests of the minority, regardless of their position. The measure is reasonable and based upon similar provisions in State and Federal election laws which allow corporations and labor unions to expend only voluntary contributions for political campaigns. Mandatory fees, like corporate profits and union check-offs, should never be allowed to be used in the support of partisan political interests.

Every SBA director owes a duty to the student body to spend mandatory fees for the benefit of the taxed students, and in keeping with the laws and regulations rightly imposed by the State of New York. When directors fail in that duty they must be made accountable to the student body, either through exercise of the recall or by requiring each responsible SBA director and officer to reimburse the student treasury for illegally expended funds.

Bob Citronberg
Secretary, SBA

Paul Lukin
Treasurer, SBA

Alan Diebold Gerstman
Third Year Director

Michael Kaye
Third Year Director

Mark Moretti
Second Year Director

On Second Thought...

To the Editors:

I am one of the signers of the letter in today's issue objecting to the $200 contribution to the NAACP appeal bond fund. However, I must take exception to the last paragrpah of that letter which suggests that the Directors who voted for the contribution be recalled or be personally responsible for re-imbursement of the funds.

I must apologize for neglecting to give the letter a careful reading before signing it, but I would like to reiterate my support for the general objections expressed therein.

Sincerely,
Michael Kaye
Third Year Director

What's an SBA?

To the Editors:

The SBA elections appear to first-year students as a futile stylistic exercise, devoid of substantive participatory democracy; candidates for first-year Directors have little or no idea of what the post is; the voters have even less understanding of the SBA; most have the impression, given by the SBA's leadership, that more esoteric pursuits — studying, or guzzling beer — deserve far more consideration.

This value judgment may be valid, but most first-year students would prefer making this finding for themselves. My objection isn't tied to the NAACP funding imbroglio; sympathetic though I was I don't know enough about that situation to have an opinion. What I know is that first-year students haven't been told enough about anything the SBA is doing or can do. I'm surprised the leadership cares so little for the substance of representative government and is satisfied with formal procedures which just don't do the job. I hope this will change.

Respectfully,
Andrew J. Cosentino

To the Editors:

I write this letter in the hope that it will express my views on what I believe to be serious problems within your Student Bar Association.

It has been clear since my association with the SBA that my philosophies are considerably different from those of most other members of that group. I felt that I was entrusted to cast my vote in the manner that would effectuate what I perceived to be the wishes of the great majority of students at this school. Unfortunately, this has proved to be a frustrating experience. I have consistently been outvoted on most major issues, issues which I believe central to the concept of representative student government.

The SBA has allocated student funds for meals for student representatives, and wall plaques for student representatives. It has allowed student groups to misuse student funds, even allowing one student group to go to another group's national convention because its own convention was cancelled. It has seen fit to attempt to donate $200 to a political organization, in clear violation of this state's expenditure guidelines. It has also refused to approve a resolution banning further such expenditures, a resolution which would reaffirm the SBA's duty under state law. Meanwhile, the SBA has *cut* allocations to the student newspaper, and social functions, activities which serve *all* students.

An attempt to allow a student referendum on mandatory fees during the upcoming elections, when most students would vote, was tabled on 9/28, because some members felt: 1) some "troublemakers" had stirred up the student body concerning the SBA's allocation policies, and 2) the students would be unable to receive enough information to vote. This last item was utilized despite the fact that sufficient information could have been distributed through various sources. It is clear that the SBA seeks to perpetuate its own existence. Hopefully (should the SBA finally decide to allow it) you will be permitted to vote on whether to continue your support through the mandatory fee. When that time comes, I urge you to consider the issue carefully.

Bob Citronberg
Exceutive Secretary, SBA

On Point

Jaworski visit disappointing

(Ed. note: for related story, see page 5)

by Dean Silvers

Leon Jaworski's Sept. 24 visit to the Law School had been eagerly awaited, and the anticipation increased when he did not appear at the scheduled 3 p.m. starting time.

The absence caused by his delay was amply filled by Professor Michael Tigar, who discussed some of the more provocative aspects of the Watergate Investigating Team.

The scene was set. It was as if the back-up band was on stage; and the crowd reacted with anxious consideration while they eagerly awaited the coming of the main act.

And then it happened. Suddenly and dramatically, as if it was set up by Bill Graham himself, the main act appeared like a flash from the side, out of view until the very moment he reached the podium. The crowd went wild with adulation.

One of the few heros (which Americans so desperately need) to surface from the Watergate quagmire had arrived. The valiant knight in shining armour, a heretic from King Richard's Court, was here. There was triumph in the air, and the American spirit shone as brightly as the flag pin on Mr. Jaworski's lapel itself.

Yet as has been the case ever since I saw my father exchanging 25 cents for the tooth underneath my pillow, I discovered once again the harsh world of disillusionment and reality. Perhaps the lesson learned from Jaworski would read something like, "Prestigious government lawyers never grow old, they just grow indifferent."

Sir Leon came not to discuss various aspects of an event unique in its implications for America, in which he played an integral role. Rather, he came to defend his "good name" against a non-favorable review of his new book.

What I am speaking in regard to is the review of Jaworski's new book, *The Right and the Power* in the Sunday *New York Times* Book Review Section, September 19, 1976, by Seymour Hersh. In this article Mr. Hersh ably criticized Jaworski's book.

It is quite obvious after reading the review that Jaworski's talk was nothing but a direct point by point defense against Mr. Hersh's article. Now one can understand Mr. Jaworski's anger at such an article, but to speak solely in retaliation to this review (without ever referring to this fact) is highly inconsiderate to the audience at large.

In addition, Jaworski exhibited the unique quality of being both "cool" and "luke-warm" at the same time. Such an attitude and demeanor was not something one would have expected. Passionate and provocative questions would be fired at Jaworski, and he would dodge them with the greatest of ease.

This frustrating situation reached its apex when one woman asked a pertinent question about amnesty and the presidential pardon.

"How can I honestly explain to my children the rationale behind pardoning Nixon, while tens of thousands of fellow Americans are not pardoned, and are not allowed back home, due to their moral beliefs, a more nobler cause, in evading the draft for the immoral war in Indo-China?" asked the woman.

To which Jaworski merely remarked that he had nothing to do with this situation, and he declined to comment further.

When asked about this same topic, the pardon, seconds later, he had much to say. Why the change? In this instance he was *defending* his country.

He attempted to prove that Ford did not "make a deal" with Nixon to pardon him. Jaworski asserted that Nixon contacted him indirectly, and that Nixon was sobbing, begging to be let off the hook. Jaworski then stipulated that this sick man could not have possibly already made a deal with Ford and still react as he did.

But to say an insane man would act in a sane manner, as Jaworski asserted, is a contradiction in terms. Insanity holds no rationale (check Woodward and Bernstein's *The Final Days* for further verification of this fact). For Jaworski to use that as a means for defending the case of Ford not making a deal is plainly ridiculous.

Please understand, I do not think Jaworski is a dishonest man. His honesty and integrity is beyond question. It is his perspective, convention and "attitudinal" form which is being held in question. Yes he is honest, but it is an honesty grown out of a void — the status quo — and developed from the sterility of impression.

Jaworski is used to things as they are. He is not able to look beyond Watergate, to its implications and future orientation, it being the most significant event to occur in this country within the last 200 years. He seemed to use the word "insulate" frequently during his talk. Maybe he has become a product of what he was talking about.

This inability to search in the realm of true human inquiry settled like a dense fog over the Moot Court Room Sept. 24. Alas, one more knight lanced down.

Jaworski's attitude crystallized in his concluding remarks. He said that he based his faith on the American system, despite its numerous shortcomings. He most readily admitted that justice had become an aphorism in our country. That view is a flag-waving relativistic one.

And after that statement, he made no allusion to any attempts to alleviate the inequities in this country. It was as if he were syaing, 'Although our system is not fair, we are better than anyone else, so we do not have to worry about being fair and equitable in this country.'

Something went drastically wrong along the way if our only defense of our system is by comparison to the rest of the world. To live relatively rather than absolutely, especially in the present day, is no great and admirable task. Compounding the frustration is the realization that Jaworski was in a position where he could have exerted great and profound political change — changes which could have dwarfed all previous political change by comparison. But this fleeting moment was lost in time.

All I can say is, life must look different on Maggie's Farm, and where do we go from here, Mr. Jaworski?

Wide World of Torts

Simson on jobs, too

by John Simson

Ed. Note: These questions appeared in the same form in an earlier column by the official "job-finder." These answers also appeared in the same form in that earlier column . . . although the words were a little different!

Ed. Note: We would like to apologize for the author's obvious attempt at humor by writing an Editor's note. It was obviously not an editor's note. As everyone knows, all editor's notes are in Italics like this one.

(finally . . . the article.)

1. What is the Status of the Job Market for Buffalo Students?

Buffalo students never seem to do as well as human students, however, they do do better than Antelope students. It's probably genetic, so don't worry.

2. What Kinds of Positions Have Third and Second Year Students Found?

Mostly, the same kinds of positions as everybody else, although I have heard rumors that some students here at John Lord O'Brian have discovered the Kama Sutra and/or the Single Wing (with Bleu Cheese and Celery Stalks), and are using some incredibly different and interesting angles. Sea Grant will soon have a new Position paper about it, entitled: *New Positions: Fun Without Environmental Ruin*. See also 221 S.2nd 492, at 496, where a very interesting position is discussed by Chickenlooper, C.J.

3. What Kind of Salary are the Positions You Mentioned Paying?

Generally, the salaries of the jobs that we are not getting are *very* high. However, we are working constructively toward that end. Although it is doubtful that Buffalo students with their genetic defects, will ever get these jobs, we have been assured by the employers that those who do will receive less money in the future. This will make the salaries that our students do get seem that much higher. And of course, as with all jobs, the salary depends upon the position you are in.

4. Many Students State that They Have Not Found Employment. Why is This So, and Should This Cause Them Concern?

Yes. Traditionally, most Buffalo Law Graduates do not find jobs until there is a major scandal somewhere, hundreds of lawyers are disbarred, and a need is felt. When no major scandals are forthcoming, other interim pursuits are always available. One well-known Alumnus now leads the entire country in job interviews. Such persistence is sure to be rewarded. The question is when! Two members of last year's class are now doing "Import-Export" work for the largest firm in Colombia, Skag, Coke, Spam, Spam, Tomato and Spam. Another alumnus is allegedly responsible for causing the Arab Oil Embargo just three short years ago, when in an interview with the Iranian Secret Legal Aid Society, he said, "Shah Who?"

5. What is the Student Placement Committee Doing?

Yesterday we had a phone call — but that was a wrong number. Oh, but the day before we spoke to a number of prominent lawyers' secretaries. Unfortunately, they're all on the faculty here, and didn't have any positions available. (Apparently they haven't received our Kama Sutras — Ha Ha!)

6. What are Alumni and the Faculty and Staff of the Law School Doing to Assist with the Placement of Buffalo Students?

Truly the greatest contribution that can be made by our staff and alumni is convincing the legal world that Buffalo Students can adapt to a human environment. I would recommend, accordingly, that all students:

1. Maintain their costs properly, and not look unkempt;
2. Not grovel or make Buffalo noises;
3. Not Stampede; and
4. Celebrate the BISONtennial, 4 Tigar 2, at 3½. I also spend a great deal of time with our alumni. I was being defended by one of them only yesterday. I recently met with an important judge, a prominent government lawyer and several leading attorneys, and each has expressed his willingness to help us. Unfortunately, at the time of our meetings, they were under the mistaken belief that I was from Harvard.

7. Will We Have Career Days This Spring?

YES! We will also be hosting an Alumni-Student Client Counseling Competition, and a Job Picnic. Everyone will eat sandwiches with the crusts cut off, and sing the Alma Mater, "You and Me and the U.C.C." written by Karl Lewellyn, from his forthcoming album, *Son of a Breach*.

The firm of Nixon, Agnew, Krogh, Haldemann, Colson, Segretti, Meckler, and Heckler will be interviewing here next Wednesday. All interested students should come prepared with resume and proof of disbarrment.

The firm of Roto, Rooter, and Co., is looking for a staffperson interested in Environmental litigation. Resume and hip boots are required.

The debates

Peanut farmer and peanut brain square off

by Rob Ciandella

–Kastle Brill

A few years ago Polish writer Jerzy Kosinski wrote a book called *Being There* in which the main character is transformed from a celibate hermit into a national celebrity through the miracle of media. Kosinski's character, named Chance, had spent his entire life inside an enclosed yard working on a garden until a series of fortuitous events thrust him into the national spotlight.

Chance found himself a guest on a political talk show with the President's economic advisor at a time when the country was saddled with a severe recession. When asked his view on the economy Chance naturally responded within his frame of reference, "Well, in a garden you must be sure that the roots are strong so that when dryness comes . . ."

Recently Kosinski's cynical vision became somewhat of a macabre reality as two seeming accidents of history, one a peanut farmer from the south and the other a peanut brain from the midwest, met in a l candidates for the Presidency of the United States.

Carter had arrived after beating back a stiff challenge from an even more absurd extension of the Kosinski model, a guru Governor from the west coast who captured the hearts and minds of a lost generation with a strange neo-conservative mysticism. Farmer Carter won national prominence with a stunning victory in the hub of American political tradition, New Hampshire.

As the fall TV season opened, farmer Carter could be seen intently studying peanuts and engaging audiences with his purity and pomp rural charm. Quoting Bob Dylan and imitating Max Yasgur farmer Carter aroused the American political scene with his chestnut resemblence to John Kennedy.

He was met in the debate by the incumbent Ford. Ford, whose principle claim to legitimacy seems to lie in his 'being one of the guys' while in Congress, a most startling development in view of recent Congressional activities, was handed the office by an obscure and nameless man known only as "the predecessor."

Now a non-entity in noplace like San Clemente, "the predecessor" was recently quoted in the Sacremento *Bee Line* as sinisterly implying that his wife was responsible for the ascension of Ford. "Pat did it," he said. This might prove to be of some concern to Ford supporters because he has a wife of his own and an affair with his daughter. Basically though, Ford was good. "The predecessor" was bad. Not that Ford's goodness prevents him from being tough. He was tough, a fact borne out by his relationship with his son in residence, Jack. Ford made Jack court silly rock and roll stars and pretend to be a heterosexual just to capture the substantial groupie vote.

The debate was held in that model of American progress, Philadelphia. Ford took the initiative early, handing in a bravo impersonation of Chevy Chase. Reaching for a glass of water, the Ford candidate momentarily forgot that he had instructed his staff to glue the glass to the podium and in the minutes before the camera turned away from his struggle, Ford had made the first major move of the debate.

Carter responded with a superb impression of Carter. He then went on to note that while he had great sympathy for the handicapped and had in fact been called a mental cripple by Lester Maddox, he nevertheless felt compelled to condemn Ford's choice of a running-mate as a blatant appeal to the amputee vote.

Ford emphatically declared that he was not now, had never been and would not engage in an affair with his daughter. Carter responded with an observation that his daughter was too young to be considered in this regard, at which point Ford injected that this was not necessarily so.

Moving on to health policy, Carter said that it was clear that Ford must bear the blame for legionnaire's disease, adding that under his administration no pinko plots to fluoridate the water would succeed. Ford replied that he was a legionnaire and he was not a disease. On the attack again, Ford said that Carter was at fault for the dearth of peanuts in Skippy's Peanut Butter. After a quick cut away to Walter Cronkite, who explained to a confused public that Ford meant that there were fewer peanuts in peanut butter, Carter responded by pointing to the unemployment problem. To dramatize his contention, Carter pointed out that he was unemployed. He indicated that were it not for the $21 million the government had given him to do this posturing, he would be just another poor cracker millionaire. Ford allowed that anyone who used the word cracker in the family hour would probably permit socialized abortions. Carter denied that he was an abortion. And on it went, pushing back the starting time of *Mary Hartman*, these two masters of rhetorical skill matching each other profundity for profundity.

Lower outside corner

by Tanis Reid

I am really hesitant to do a column, which was originally intended to be only a monthly humor column, on Patty Hearst. For one thing, putting down in print my opinion on such a subject in front of a whole population of law school students is sure to earn me some enemies. I already got the "are you kidding" from the editorial board when I suggested maybe this copy should be run as an editorial.

I must admit that the editing decision was a wise one. Patty Hearst is old news now, but not only for the reason that this issue went to press almost two full weeks after she was sentenced to seven years in prison. Actually, her story is not really over, as she yet faces charges for still more serious cirmes, and as the Harrises have yet to be tried for kidnapping Hearst. Still that news which is left, though it may end up on the front page, has lost its urgency. I guess that's what bothers me. There seems to be a popular acceptance that Hearst, whose life first demanded front page anxiety and then excited the wrath of betrayal in prime time media and its followers, has finally had poetic justice formerly imposed upon her.

It is ironic that the day before Hearst was sentenced to prison, those charged with her kidnapping were arraigned. Or maybe it isn't ironic. It doesn't seem to affect people as such, and it doesn't seem as if the court accepted the argument that the kidnapping was so brutalizing that, in effect, it prevented Hearst from developing the necessary mens rea for the crime of which she was convicted. F. Lee Bailey's strategy in the defense of this trial is not fully known, and will probably not be known until he has time to publish a book of enough quality to earn the royalties needed to support his lifestyle. However, Bailey's skill as an attorney is highly reputed and it is likely that were the kidnapping effects an affirmative defense to the willfulness of Hearst's participation in the bank robbery, it was argued as strongly as the law would support. Yet, though Bailey is supposed to be one of the best, it is doubtful that Bailey's presence was helpful to Hearst's cause at trial.

But the trial was a circus without him. The press was certainly willing to throw one of its own into the ring, in order to promote the ever-increasing myth that whenever the American people are being exploited – by the CIA, by the Republican Party, by the rich, by whomever – the press will expose the exploiter and prove itself the last-ditch protector of American freedom – particularly when the exposure is such lucrative copy.

Then again, why blame the press for this fiasco? Despite all the heinous crimes in this country, the violent murders and brutal sexual assaults occurring daily, the FBI only too readily slapped Hearst up on their ten most wanted list when it appeared that rather than trying to save a victimized youth, they had perhaps been led on a wild goose chase by a spoiled brat. What's more, what, had it not happened, would seem incredible, is that despite the fact that they were not yet sure Hearst's SLA participation was voluntary or forced, the police poured about 500 rounds of ammunition into a house in which she was believed to be. The resultant deaths can never be condoned, and to suggest that a government once willing to kill her is later attempting to aid her with a fair trial must be incomprehensible to Hearst's already confused mind.

But more than the courts, or the press, or the FBI, what bothers me most is that many American people seem to acquiesce to seeing Hearst done in. Maybe it's because most Americans were sympathetic towards Hearst when they learned of her kidnapping. But, when they learned that their apathy might have been unrighteously provoked, they, like the FBI, were angry for having been made the fool. And, too, all those Americans anxious to see the rich pay their share of punishment joined in the anti-Hearst campaign. If they had failed to get retribution from wealthy, wayward politicians, they could perhaps be more successful in demanding it of a young, rich radical.

And it is only retribution that Americans are seeking in Parry Hearst's punishment. There can be no rehabilitation in a prison setting for a young twenties woman suffering from severe psychological strain. Nor can it be claimed, now that the SLA members are either dead or confined, that Hearst is a threat to the stability of this country's society. Had Hearst been burned to death with the rest or most of the SLA, Americans should never have had to decide whether she was a brutalized victim or converted, confirmed radical. Rather, they would have willingly christened her an American martyr and stored her with the Lindbergh baby in their memories.

Court makes taxing decision

by John Arpey

For all you student tax buffs who have just recently acquired a thirst for knowledge in this area, this week's column is to inform you of some of the more recent changes.

The Tax Court has modified its prior position on the deductibility by an employee of expenses arising from his maintenance of an office in his home and will no longer follow *Stephen A. Bodzin*, 60 T.C. 820, rev'd 509 F.2d 679 (4th Cir. 1975), cert. den'd 423 U.S. 825 (1975).

In *Bodzin*, the court had held that such expenses were deductible by an attorney employed by the Internal Revenue Service. The Service maintained that an employee may only deduct home office expenses if his employer requires work to be done at home. The Tax Court, however, ruled that the test for deductibility was whether "the maintenance of an office in the home is appropriate and helpful under all circumstances," even where there was no evidence that the employer required that work be done at home.

Only upon a finding of bad faith or that personal convenience was the primary reason for maintaining the office would the deduction be defeated. The Fourth Circuit overruled *Bodzin*.

Now, in a case with identical facts, the Tax Court has disallowed the home office expense deduction of another IRS attorney, *Sharon v. Commissioner*, 66 T.C. No. 52. The Court based this opinion on Internal Revenue Code §161 and *Commissioner v. Idaho Power Co.*, 418 U.S. 1 (1974), which state that the Code provisions disallowing a deduction for personal expenses take precedence over the provisions allowing buisness expense deductions.

The Court also followed Treas. Reg. Sec. 1.262-1b3 which allows a deduction for home office expenses when the taxpayer incidentally conducts business there, his place of business being elsewhere.

Finding that a taxpayer's use of a home office was "purely a matter of personal convenience, comfort and economy," the Court now declares that the "appropriate and helpful" test requires a balancing of all facts where there is a mixture of personal and business considerations.

However, the *Sharon* and *Bodzin* holdings are narrow, relying on the facts that the employer provided an office which was usable during non-working hours and that the employee's workload did not appear to require work after hours. The Second Circuit permitted a home office expense deduction in a situation where the employee was required to work after hours, even though the employer provided an office, *Newi v. Commissioner*, 432 F.2d 998 (2d Cir. 1970). *Newi* was distinguished in the later cases and may satisfy the balancing test of *Sharon*.

Court battle on welfare continues

by David Munro

The Court of Appeals has unanimously ruled that the state's statutory scheme requiring that counties pay half of the non-federal cost of state-mandated public assistance programs is constitutional.

A three-page per curiam decision issued late in September affirmed a ruling by the Appellate Division of Supreme Court. The Appellate Division had held that Erie County was required by the New York State Constitution and the Social Services law to provide the local share of funds for its Home Relief, Aid to Dependent Children, Medical Assistance, and Day Care programs, and the court ordered the county to immediately resume making payments and reimburse the state for temporarily paying the county's share of welfare costs.

Erie County plans to appeal to the U.S. Supreme Court as soon as possible on Fourteenth Amendment due process and equal protection grounds.

The battle between Erie County and the State was spurred when the county legislature, citing the county's severe financial crisis, refused three times last summer to appropriate funds to keep its welfare programs running. The mid-year appropriation was necessary because the county executive and county legislature appropriated twenty million dollars less than the $137 million requested by the County Social Services department for 1976.

The amount finally appropriated was less than the amount appropriated in 1975 for these programs, despite ever-increasing numbers of welfare recipients. In June, the Social Services department estimated that it would exhaust the budgeted funds for public assistance by Sept. 1, and it was thus forced to request additional appropriations of $5.5 million to carry these programs through Oct. 1.

After the county legislature twice refused to appropriate the necessary funds, and after it appeared that funds on hand would be exhausted in a matter of days, the Commissioner of the State Department of Social Services commenced an Article 78 proceeding seeking an order adjudging Erie County in violations of the New York State Constitution and the Social Services law. It also sought a direction to appropriate sufficient funds to enable the county to continue to pay its share of the state-mandated public assistance programs.

Erie County filed a counterclaim alleging that those sections of the Social Services Law which provide that 50 percent of the nonfederal cost of public assistance must be borne by local governments under the circumstances faced by Erie County conflict with other fundamental rights and benefits conferred by the State and Federal Constitutions and must, therefore, be invalidated. Specifically, the county alleged that the required 50 percent contribution ratio will violate the right of the county residents to effective self-government under the Home Rule provisions of the State Constitution and result in a denial of equal protection and due process rights under the Federal and State Constitutions.

The county's home rule argument was that the present funding schemes automatically appropriate about half the gross county budget (56 percent in 1976), pre-empt about half the county's limited real property tax levy, and by reason of the disproportionate burden imposed on Erie County, reduce the role of the county executive and county legislature to the dismantling of traditional and essential county services – thus "rendering meaningless the county right to manage its own affairs."

The Appellate Division rejected this argument, holding that Section 2 of Article IV of the State Constitution confers upon the State Legislature the power by "general laws" to abridge home rule rights, and found that the Social Services Law was such a general law.

The substance of Erie County's equal protection and due process

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Limited legal aid launched

Student legal services program restructured

by Jeff Granat

(Ed. Note: Jeff Granat is a third-year law student and a former legal worker with SLAC.)

SUNYAB students can expect a new style of legal representation and legal services in the coming semesters.

In August of this year, the undergraduate Student Association cut funding of the Student Legal Aid Clinic (SLAC) and withdrew recognition of the Clinic as a student organization.

Simultaneously, Sub-Board I, Inc. approved the financing of the Group Legal Services Program (GLSP), a pilot program designed to supplement the services of the SLAC and initiate innovative programs in other areas of law.

The actions of SA and Sub-Board generated a great deal of controversy. Some of this dispute was due to the political climate during the inception of the program. Members of the SLAC felt that they were not consulted before the proposal was acted upon and their recognition revoked.

There was also much debate concerning the merits of the proposal. It was suggested that, in many areas, the program was not tailored to the needs of the students.

For example, under the proposal, students arrested on drug charges or by campus security would be provided with free legal advice and representation in court. The concept of limited legal representation in criminal matters failed to take into consideration the fact that most student arrests are for other offenses, such as driving while intoxicated and disorderly conduct.

Additionally, the program does not provide for legal representation in Small Claims Court. While Small Claims is not as formal a judiciary setting as other courts, students prefer having a lawyer present their cases.

Many students feel that they are not treated fairly in the Small Claims Court, especially where their opposition is represented by counsel. Since many landlord-tenant and consumer problems involve actions against corporations who must be represented by counsel in court, student fears about representing themselves seem justifiable.

The structure of the new program has also been questioned. The GLSP is set up similarly to a prepaid legal insurance program with a closed panel, except the panel of attorneys is limited to one, SA attorney Richard Lippes. Neither SA nor Sub-Board considered alternatives such as an open panel plan, where the plan pays for the services of an attorney chosen by the student, or a plan where attorneys with diverse areas of expertise are retained to provide services to the students.

The fundamental question is, basically, whether the new program is worth the expected $35,000 it will cost, especially considering the fact that the SLAC was funded at approximately $14,000.

The GLSP will provide services from four components. The first will offer students free and unlimited advice and consultation on legal problems of any nature. An attorney will be present in the office for 24-28 hours weekly for consultation.

Complete legal representation will be available in certain criminal proceedings, landlord-tenant matters not involving Small Claims Court, the defense of civil actions not involving Small Claims Court, separations and divorces.

The second component will represent student governments of Sub-Board.

The third section is described as an educational component designed to disseminate information about various areas of law of interest to students. Publications concerning student rights, social services, consumer rights and the landlord-tenant relationship are planned. Seminars and workshops will be presented to keep the community informed in these areas.

Finally, there is a public interest law section. This is the most innovative and promising area of the proposal. The thrust of this component is directed to areas of law involving student rights in the university setting and society.

Particular emphasis will be placed upon restrictions of expenditures of mandatory student fees. The program's attorney, Lippes, foresees this component as the forerunner of a National Center for Student Rights.

Services extended by the SLAC were similar to those under the new proposal, but not nearly as extensive. SLAC employed three attorneys on retainer who were present in the office for a total of about eight hours weekly and who were available at all times for telephone consultation.

The Clinic also utilized paralegals to assist students in legal problems not requiring an attorney, such as social service agency referrals and intra-university matters. The paralegals also assisted students in certain landlord-tenant and consumer problems that came within the scope of their training.

The SLAC distributed publications informing students of their Fourth Amendment rights, landlord-tenant law, alternative sources of legal assistance, procedures for Small Claims Court and New York State drug laws. Additionally, the Clinic sponsored lease-reading workshops and clinic members spoke before classes on legal subjects of contemporary interest.

Under SLAC operation, representation in court by an attorney was provided only for arraignments. The individual student was required to pay his own fee if counsel was desired.

Overall, the coverage provided by the new program is well worth the cost. The latest estimates are that the cost per individual student for the program's services is 60 to 70 cents yearly.

The implementation of the Group Legal Services Program has been delayed while Sub-Board irons out the details of the program. When the program is finalized, it will then be submitted to the Appellate Division for approval and will be subject to the scrutiny of the administration to assure that the new proposal meets current guidelines for the expenditure of mandatory fees. Since the plan is a pilot proposal, problems concerning its structure and content can be worked out at some future date when more information is available for assessment of the legal services requirements for students.

In the interim, the SLAC continues to provide the same type of services it has offered to members of the university community in the past.

Jaworski breaks Watergate silence

by Connie Farley

"In the end, truth will out," was a certainty to Shakespeare's Launcelot in *The Merchant of Venice*, but Leon Jaworski has not been so sure in the days since Watergate.

That's why, Jaworski said, during a visit to the Law School Sept. 24, he's begun telling the story of his role as Special Prosecutor – with the publication of his book, *The Right and the Power*, and with talks like the one he gave in the Moot Court Room to a crowd of about 400.

Jaworski had kept silent partly to avoid prejudicing litigation still pending in the wake of Watergate, but also because "I had hoped there would be more revelation of some things," he told *Opinion*. "I had thought maybe President Nixon would come forward with some things . . ." But nothing significant has been forthcoming, he said.

Jaworski, visiting Buffalo as the guest of the Niagara Frontier Polish American Bicentennial Committee, outlined what he termed "a few of the tough decisions we had in Watergate," including

– Whether a sitting president could be indicted for a charge like obstruction of justice – as opposed to, for example, a serious criminal charge, in addition to being subject to impeachment.

"To what extent would the courts permit you to do that," Jaworski said. "Wouldn't they be inclined to tell you to impeach first?" It is Jaworski's opinion that if Nixon had been indicted, he wouldn't have resigned. "Then the problem would have been, "How do you bring a sitting president to trial . . . It would have torn the country asunder worse than it did up to that time," he said.

Leon Jaworski chats with SUNYAB law students –photo, Frank Carroll

– Whether justice was served when Richard Kleindienst was convicted of a misdemeanor for his perjury before the Senate Watergate committee, and given a suspended sentence

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Blind students face numerous difficulties, challenges

by Sharon Osgood

Consider having to plan your courses so you can order your text books a full semester in advance; having to plan your assignments so you can arrange in advance to have someone read them to you; being unable to get into your locker because someone removed the tape markings you relied upon to "feel" the combination.

These are a few of the problems dealt with by the Law School's three blind students, Don Dally, John Adamec and Lynn Blocher.

In interviews for *Opinion*, all three young men alluded to the overriding difficulty: reading requirements. They are able to order their textbooks on tape, and they use tapes frequently in class. The tapes are supplemented by hiring readers who read to them the material unavailable on tapes.

Because the students must retain what they hear and are unable to rely to the usual degree on written notes for review purposes, the readers must spend a lot of time with them reading and re-reading important materials. It is a time-consuming process and it's necessary to have the readers arranged in advance for specified periods of time at reasonable hours. The upset created by a last-minute handout required to be prepared for the next class is of major proportions.

"All law students have to work under pressure. Law school is hard and demanding," noted Don Dally, who is in his third year of a four-year J.D. program. "But these handouts are particularly difficult for me because it means trying to arrange for a reader at the last minute and they just aren't always available when you need them."

Lynn Blocher expressed an even greater feeling of vulnerability on this point. Although it has not yet happened, Blocher wondered if a professor had any idea of what difficulty a last-minute large reading assignment or multiple case briefings could pose to a blind student.

Registrar Charles Wallin admitted that the school does not make a lot of special concessions to the blind students. They are permitted to take their exams in a separate room where they can have readers, typewriters and whatever other special equipment they might require.

As far as Wallin knew, the building plans for John Lord O'Brian Hall did not include considerations for blind and other handicapped persons. The old facility downtown had so many obstacles that it would have been terribly difficult for a blind student to get around there, he observed. Indeed, in the six years that Wallin has worked at the law school, the three are the only blind students he is aware of.

The present building is relatively easy to negotiate for a blind student, though Adamec noted that when he started at the Law School two years ago, there were still construction materials in the corridors which posed hazards for him.

Since the elevators will not go to the basement wihtout use of a key, keys were made available to them. "But not right away," Adamec states. "We had to work on administration nine months before they finally gave us one." This may have been caused by the confusion of the move to the new building, however, Adamec notes. it also took quite a while to persuade the school to allow them private rooms on the fifth floor of the library where they could use tapes and readers without disturbing other students, Adamec added.

All three of the men were once sighted and have had to go through the emotional adjustment to their blindness. Dally, 42, who lives in Grand Island with his wife and three teenage sons, adjusted to his blindness at the same time he was adjusting to law school, he said.

He received a B.S. in 1956 from Miami University in Ohio, working in research and development in the plastics industry before losing his vision.

Dally thinks that the Law School should not make special accommodations for blind students, noting that they must leave school to work in a real world where they will have to cope. "It is not consistent with good logic to expect accommodations for such a small fraction of people," he said.

Adamec is 35 and a bachelor.

Lynn Blocher, a first-year law student, is pictured with his guide dog, Greta.

He graduated in 1970 from Fordham University with a degree in History. His vocational goals were uncrystallized until he lost his vision. The adjustment experience for him included introspection regarding what he wanted to do with his life, culminating in the decision to go to law school. He is in his third year of a three year program.

Adamec is unsure about what accommodations the school has made or should make for blind students. He feels some frustration over having to wait so long for some of their expressed needs, but he recognizes also the complexity of the bureaucracy complicated by the move to the new building.

Professors have been helpful, he said, always displaying receptivity to him when he goes to them for individual help.

Adamec suggests that it would be helpful if the school put blind students in touch with the Placement Office in their freshman year to begin preparing them for job placement. Counselling would be helpful at times for emotional needs, too, he added.

Blocher, a 30 year old freshman student also single, lives on campus with his seeing-eye dog, Greta. Before coming to law school, he worked in Rochester as a Program Technician for Animal Control. He is originally from Bradford, Pa.

Blocher is more concerned about the provisions made for him. As a first-year student he has been assigned to the Discretionary Program which does not adequately meet the special needs of a blind student, he feels. Rather than needing additional class time, Blocher said, he needs time to read.

The added burden of extra class hours is making it difficult for him to accomplish the reading. "I don't expect to be treated any differently," Blocher said, but by being included in the Discretionary Program, school is actually being made more difficult for him.

The concerns expressed by all three men echo the issues dealt with by a variety of advocacy groups for handicapped persons. Should major accommodations in building layout and program policies and procedures be made for a small minority of people? It is a question of balance between the needs of the majority versus the needs of the individual.

The issues narrow, however, as awareness is heightened and as individuals and institutions become more considerate in the everyday, practical accommodations that can be made for the person with a special need.

It was, in fact, Dally who led this disoriented first-year interviewer to the previously undiscovered first floor lounge, it was Blocher who scouted around the Law School and found Adamec when he could not be located for the interview, and it was Adamec who knew how to get out of the fifth floor maze of the library.

Legislative work busies 2nd, 3rd year students

Ed. Note: The Buffalo Legislation Project is an organization of second and third year law students engaged in researching and writing legislation proposals and revisions requested by legislators or legislative groups from both the state and local levels. It was possible to obtain descriptions of only five projects for the present issue. Descriptions of the remaining ones will be covered in a subsequent issue of Opinion.

Public Assistance Standards

Becky Mitchell and Sharon Goodman will do research for Erie County Social Services. This project involves the standards set by statute for eligibility for public assistance benefits. Members will develop materials showing the levels of standards and any changes necessary. Also included will be a discussion of various review mechanisms.

State Hospital Rate Setting

John Suda and William Hultman are working on a project for State Senator Lombardi, Chairman of the Health Committee. The project involves comparison of a bill proposing a State Hospital Rate Setting Commission with similar proposals from other states, and an analysis of the New York proposal.

City Ordinances v. First Amendment Rights

Brian Brockway is reviewing the ordinances of the City of Buffalo for possible conflicts with the New York State and U.S. Constitutions at the request of the Buffalo Corporation Counsel. Joe Broderick is the editor in charge of the three projects.

Blue Laws Project

Kim Hunter and John Arpey are researching the possibilities of revising the New York State Sunday Sales ("Blue") Laws for the New York State Assembly Codes Committee. Working with project Editor Alan Gerstman, they are currently researching the constitutional and policy arguments on both sides of the blue law question.

In addition, they are conducting a state-by-state survey of other Sunday Sales Laws throughout the country. This Sunday, the Assembly Codes Committee will conduct a hearing on the issue in Buffalo, at which time the Blue Laws project members will present the preliminary findings of their study.

Municipal Loan Guarantee Fund Project

Project members Evan Giller and Steve Errante are currently involved in criticism and redrafting assistance on a bill which would establish a Municipal Loan Guarantee Fund for the State of New York. The bill, first introduced in the New York State Senate last year by Senator Flynn, Chairman of the Senate Cities Committee, would create a fund supported entirely by cities, towns and villages in the state for purposes of creating a type of insurance against bond default.

The ultimate result is expected to be a loosening of credit for New York State municipalities. The concept is original, having no model in any other state. The project members, with editor Alan Gerstman, are currently defining the issues to be pursued in the critique of the bill.

Taxing decision

– continued from page 5

arguments is that due to the county's shrinking tax base and its high proportion of welfare recipients, the rigid 50 percent share the county must pay results in an unequal and discriminatory cost for its taxpayers when compared with five other major urban counties outside New York City.

The Appellate Division rejected this argument as wlel. Identifying the class allegedly discriminated against as the taxpaying residents of Erie County, the court stated that this classification is not inherently suspect and thus found the test of strict judicial scrutiny to be inappropriate. In applying the more lenient "rational basis" test, the court said that the sole question presented was whether the funding ratios established by the Social Services Law rationally advanced the legitimate, articulated state purpose of providing aid, care and support for needy persons (mandated by Article XVII, Section 1 of the State Constitution).

In holding that they do, the Appellate Division pointed out that (1) traditionally, the cost of public assistance has been deemed to be primarily a local burden, and (2) the funding ratio rationally furthers the State's interest in providing the individual counties with a compelling incentive to administer the programs efficiently and to prevent abuse.

Joe Melillo, a third-year law student who has worked on this case since its inception, stated "I don't think the opinion of the Appellate Division fully dealt with our arguments. In particular, the court did not explain why they didn't employ a 'strict scrutiny' test in their equal protection analysis. We argued that this was the proper test because of our contention that Erie County's fundamental constitutional right to meaningful home rule is being violated."

The county plans to appeal in the U.S. Supreme Court immediately.

Legal writing course seeks qualified teaching assistants

Sponsors of the freshman Legal Research and Writing course are looking for second or third year students interested in working as teaching assistants during the second semester.

First year students are required to enroll in the course, which carries three academic credits and satisfies residency requirements.

Joan Hollinger, faculty supervisor of the Legal Research and Writing course, and a faculty committee will select 15-18 teaching assistants on the basis of their demonstrated proficiency in legal writing, their academic performance and their interest in teaching. After an initial screening of all applications, the most promising candidates will be interviewed.

Each teaching assistant will be responsible for a section of approximately 15 first year students. In addition to meeting one and a half to two hours every week with their sections, teaching assistants will schedule frequent individual conferences with their students.

Hollinger will run an orientation program for teaching assistants during the ten days prior to the start of classes Jan. 17. During the semester she will meet regularly with all teaching assistants to develop common standards for instruction and for evaluating student performance.

Teaching assistants will be expected to assist first year students in acquiring a variety of legal research and writing skills. Students will be required to complete from three to five writing or research exercises. The exercises will be based upon substantive materials introduced in the first year Property or Constitutional Law courses. At least one exercise will concern an issue of professional ethics. Students will also have an opportunity to present oral arguments based on their own research to a panel of faculty "judges."

Compensation for the anticipated 15 hours per week spent in teaching, preparation, conferences and evaluation will be about $1200 for the semester.

Interested second and third year students should submit applications, consisting of a resume and a recent writing sample, to Sandra Maedl or Cheryl Bartholomy in Room 523 before Oct. 11.

Questions about the course or the procedure for selecting teaching assistants should be directed to Hollinger in Room 619.

Jaworski...

- continued from page 5

Jaworski suggested that the Special Prosecutor's Office had a sort of a moral obligation not to deal too harshly with a man who had been "beckoned" into the office to spill the information the prosecutors needed.

Kleindienst had talked freely about his knowledge of the scandal and admitted the earlier perjury to the Office of the Special Prosecutor even before Jaworski replaced the fired Archibald Cox.

"When we had to make the decision [of whether to charge Kleindienst at all], I called Archibald Cox and asked his opinion," recalled Jaworski. "Cox said that Kleindienst was entitled to considerable credit for what he'd done ... and that he was glad he didn't have to make the decision."

— Whether the pardon of Richard Nixon could be attacked.

"It's a Constitutional power of the President to grant a pardon for any reason or for no reason," was Jaworski's assertion. "There's not much precedent but there's no limitation on the power to pardon in the Constitution — and that's the only place there would be a limitation," he said.

Jaworski said he personally didn't believe that Gerald Ford had promised the pardon to Nixon before his resignation, or that it gave Nixon a particularly easy out.

Between the time of Nixon's resignation and the granting of the pardon, Jaworski said, he got a telephone call from Senator James Eastland of Mississippi on Nixon's behalf. Eastland told the Special Prosecutor that Nixon had begged him, weeping, to intercede with Jaworski "and that I not put him in the dock with Ehrlichman and Haldeman. If he had an agreement beforehand, what was the purpose of the call?" asked Jaworski.

"Richard Nixon wanted that pardon. He sought it and the fact that he so readily accepted it shows he considered himself guilty," Jaworski added. "A pardon is not something you hang on your living room wall and show to your friends."

In a subsequent interview with *Opinion*, Jaworski said that Nixon's insistence on calling the legal shots despite his attorney's advice contributed significantly to his own defeat.

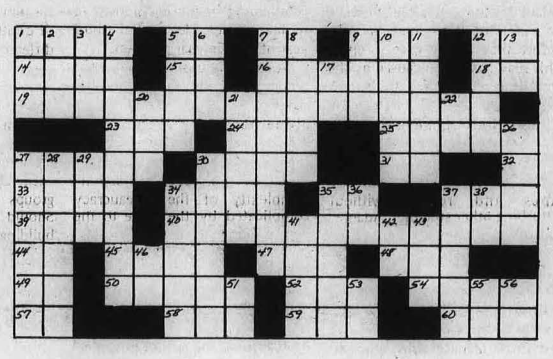
"He just wasn't that good a lawyer," Jaworski drawled with a grin, "and even way back yonder, Shakespeare said, 'He who has himself for a lawyer has a fool for a client'."

Jaworski drew a sharp distinction between practicing lawyers and the political lawyer-appointees who were involved in so many of the Watergate illegalities. "A lot of people bring that up and I think it's unfair," he said of a question about the state of legal ethics in light of those involvements.

"Think how many lawyers worked on the prosecution forces and conducted themselves honorably ... I think most lawyers are honest. What disturbs me is that *some* don't live up to standards."

LEGAL CROSSTICS

by Steve Ferrante

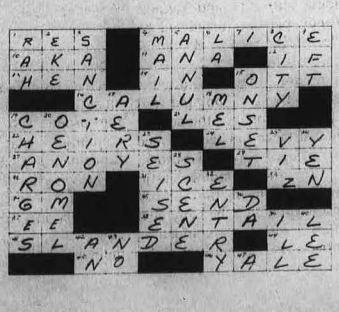


ACROSS

1. And others
5. 3.14159265
7. University of Buffalo
9. Office of Strategic Services (abbr.)
12. In chemistry, molybdenum
14. In place of
15. Contained or enclosed by
16. Error
18. Elevated railway
19. Improper on direct examination because it suggests the answer to the witness
23. Draw or write
24. The capital of the Bashair A.S.S.R. in the eastern part of USSR
25. A right of property, real or personal, held by one party for the benefit of another.
27. Two times
30. Frolic, spree
31. Saint (abbr.)
32. In chemistry, oxygen
33. Heed, listen
34. Country in South America
35. French article
37. Transgression
39. Capital of Oslo
40. TV Comedienne, Last name, First name
44. Recording Secretary (abbr.)
45. "And Wife" for the purpose of wills
47. Label, tag
48. In anatomy and zoology, a wing
49. Northeast
50. A city in west central Italy
52. Summit, Apex
54. Two units regarded as one
57. Without
58. Mountain Standard Time (abbr.)
59. Standing Room Only
60. Nix

DOWN

1. An extension or wing at right angles to the main structure
2. Ascot
3. Actors Equity Association
4. Comical
5. Carnation
6. Suffix used to form the present participle
7. In the civil law, the right to use and enjoy property vested in another
8. Desolate
9. Choose
10. Interview attire (male) plural
11. Gain
12. Hodgepodge
13. Old Latin (abbr.)
17. Exists
20. A suffix to form feminine nouns
21. _____clausum fregit
22. 13th letter of Grk. alphabet
26. Sound
27. L._____McCarty
28. In Dorsetshire; locale of Thomas Hardy's novels
29. An adjective forming suffix
34. A brief introduction or preface
36. Ascertain, master (plural)
38. Work
41. Accounts Receivable (abbr.)
42. A halt in judicial proceedings
43. "Sit On _____"
46. Bonnet, Cap (plural)
51. French article
53. Ancient, elderly
55. The 14th letter of Grk. alphabet
56. Nearby
57. Post Office (abbr.)
58. Indefinite article
59. Perform, act



Turn of the Screw

by Chris Carty

This column will list the various types of financial assistance available to law students and explain the procedures to be followed to obtain this aid.

Tuition Assistance Plan (TAP)

This state-funded program is the only "free" money available. That is, the award is not contingent either upon work or re-payment. It is only available to New York State residents, and is based solely on financial need. Students whose net taxable income is $2000 or less will receive the maximum grant of $300 per semester. Others with higher net incomes, up to $20,000, will receive a correspondingly lower amount per semester.

The receipt of the maximum award automatically qualifies the student for a State University Supplemental Tuition Award (SUSTA).

TAP forms are available in my office, room 303. They may be filed until April 20, 1977 for awards for the Fall 1976 and Spring 1977 semesters. Processing takes about ten weeks.

State University Supplemental Tuition Award (SUSTA)

SUSTA provides an additional $425 for the Fall 1976 semester to supplement the maximum TAP award, $300, which the student will already have received. It is anticipated that the spring award will be at least $425.

No additional application forms, other than the TAP application, need be filed. After receiving their TAP award notice, the $425 will be credited to a student's account when the student brings the award notice to the Office of Student Accounts (Hayes A, Main St. Campus).

New York Higher Education Assistance Corporation Loans (NYHEAC)

These are federally guaranteed loans which allow a student to borrow up to $2500 per year, with a total maximum indebtedness of $10,000. There is no interest charged while the student is enrolled in school, but rates have increased to 8½ % during the re-payment period.

These forms also are available in my office, room 303. Applications generally require ten weeks for processing.

National Direct Student Loans (NDSL) and Work Study

Both of these programs are administered by the University. It is too late to apply for either of these for 1976-77, but applications for 1977-78 should be available through me around Dec. 1.

NDSL also are federally guaranteed loans with low interest (3%) that begins to accrue after graduation. Work study is a federally-funded program where students work for non-profit organizations who pay only 22% of the student's salary, the remainder being provided by the federal program funds. This semester approximately 30 law students have received work study grants.

My office hours for this semester are: Monday 9-10 a.m.; Tuesday 10 a.m. — 5 p.m.; Thursday 1 p.m. — 5 p.m. For those who find these hours inconvenient, my phone number is 636-2062.

Transfer schemes sabotage school desegregation in Buffalo

by Kim Hunter

A student's desire to study Polish or Russian can actually contribute to the segregation of Buffalo public schools, local attorney Richard Griffin claims.

Griffin and SUNYAB Law School Professor Herman Schwartz discussed the legal aspects of the Buffalo school desegregation suit before a group of about 75 people Wednesday, Sept. 29 at the Law School.

Griffin, one of the principal attorneys for the plaintiffs in the suit, explained how white students from inner-city districts having racially mixed schools have been able to obtain transfers to predominantly white peripheral schools in order to enroll in foreign language programs unavailable in their neighborhood schools.

According to Griffin, such transfers and other administrative devices permitted thousands of white students to avoid integrated schools in their districts, resulting in a segregated public school system.

This situation became the basis for a desegregation suit instituted by the Citizens Council of Human Relations, the NAACP and a member of the Buffalo Common Council in 1972 against the State Board of Regents, the Buffalo Board of Education and the Common Council, among others.

On April 30 of this year, Federal Court Judge John Curtin ruled that defendants had permitted and perpetuated the racial segregation of the Buffalo public school system in violation of the Fourteenth Amendment.

Professor Schwartz gave a brief history of school desegregation in Buffalo, noting that the present suit had its origins in a 1963 suit brought by the NAACP against the Buffalo School Board over the districting of the then-proposed Woodlawn Junior High School. Several districting proposals had been made and the one that was accepted was certain to result in the creation of a totally black school. After weak efforts on the part of the School Board, Schwartz said that an accepted plan was eventually drawn up, but it was never implemented.

In the present desegregation suit, the overwhelming evidence of school desegregation in Buffalo and the line of cases decided in favor of plaintiffs in similar suits throughout the country made the case "easy" in terms of getting a positive ruling on the merits of the segregation issue, Schwartz said.

After Judge Curtin's decision in April, the suit progressed into a "remedy phase," Griffin said. The decision only established the liability of the defendants for segregation in the Buffalo school system. Under court order, the City of Buffalo must now come up with a complete desegregation plan by October 15 of this year, Griffin noted.

Partial measures are already in effect with the closing of some schools and the transferring of pupils. But Griffin saw this as only the beginning of the long process of change.

Third year student Alaine Espenscheid, center, introduced Atty. Richard Griffin, left, and Professor Herman Schwartz, who spoke Sept. 29 at the Law School on the Buffalo school desegregation.

In addition to transfers for academic reasons, Griffin explained that some students were granted transfers on the basis of letters from doctors certifying that school transfers were needed to promote "healthy social adjustment" for some children.

"Clearly," he said, "the transfer system is little more than a subtle technique for keeping white kids in all white schools."

Defendants in the Buffalo suit tried to blame the segregation of Buffalo schools on segregated housing situations since the school districts are dictated by neighborhoods. This did not relieve the defendant of responsibility for segregation in Buffalo, since many of them were also responsible for the segregated housing patterns, Griffin pointed out.

Griffin characterized the busing issue in desegregation as a "red herring." At the present time, children at honor, vocational, private and suburban schools already take buses every day, he noted. Busing to achieve integration should not really disrupt the Buffalo school system very much at all, he insisted.

A question and answer period followed the discussion by Schwartz and Griffin. The majority of questions dealt with the nature of possible remedies to the segregation problem, the acceptability of these solutions and likely impact of the suit.

Griffin suggested that a "metropolitan" solution would have been best for Buffalo, that is, a desegregation plan involving the suburbs as well as the city itself. However, it is not likely that any suburban communities would be willing to cooperate, he said.

The defendant's first solution – the so-called Buffalo Plan – has already been found to be inadequate by Judge Curtin. The plaintiffs have offered a plan, but the Buffalo defendants are not happy with it, according to Griffin.

The plan proposed by plaintiffs would call for creation of seven city school districts. Each district would contain one of the seven city high schools. The elementary schools in each district would be divided so that all peripheral schools in the district would include only kindergarten through grade four, and all inner-city schools would house grades 5 thru 8. All children would remain in one district for all their schooling and would have to be bused for no more than two-thirds of their school years. All children would have the chance to go to a school in their own neighborhood at some point.

Schwartz and Griffin were asked to predict the possible impact of the Buffalo suit on desegregation in New York State. Schwartz felt that the impact would be slight outside of Buffalo because desegregation suits by their nature turn on the individual facts of the case.

Where there is substantial proof of discrimination imposed under color of state law, plaintiffs are likely to win. But each case can be distinguished from others because the facts of segregation will always be slightly different, he noted.

"It's a bad time for civil rights," was Schwartz's conclusion. The possible impact of the suit may be hard to predict since it is by no means over yet. All of the defendants in the case have appealed. Briefs are due at the Second Circuit Court of Appeals by December, and oral argument should be set for some time in January of 1977.

SBA... *–continued from page 1*

voted in good faith. I don't think it was a misuse of their power, but I think it was a mistake, an unwise decision ... I don't oppose the cause, but I oppose SBA money being spent for the cause."

SBA Director Gerstman, who initiated and wrote the letter to the Editor from the dissenters which appears in today's *Opinion*, said he contributed to the NAACP at the fundraising tables at the law school. However, Gerstman said he opposed the SBA fund allocation because "we do have to move under state guidelines when distributing mandatory student fees, and since the mandatory fee is basically a tax imposed upon all students I don't think we should use the mandatory fee to support one political viewpoint."

The last paragraph in Gerstman's letter which refers to recall of directors and restitution of student money upset some of the SBA directors who supported the NAACP allocation. Gerstman denied that he was calling for a recall of those directors who supported the contribution. He said he was merely informing the student body of the remedies available if they believe directors have breached their duties.

SBA Director Edwards, who voted for the allocation, responded in part: "The recall of directors on this issue would be to impugn their integrity when the directors who voted in favor of the disbursement felt they were acting within the guidelines and within the interests of the student body ..."

Prison head responds to unfair hiring accusation

by Jean Graziani

Corrections Commissioner Richard Chinlund told *Opinion* Friday that he never denied Ron Benjamin a job with the Commission. His hesitation in hiring the 1976 SUNYAB Law School graduate and convicted felon was due to questions about Benjamin's qualifications and uncertainty about staff positions available, Chinlund said.

Benjamin, alleging discriminatory hiring practices, is filing a civil rights suit against the New York Commission of Corrections. Benjamin claims that the only reason he wasn't hired for a staff position with the commission is because he served 32 months in prison for grand theft. He charges that Chinlund recently hired two ex-offenders as a result of public protests Benjamin's allegations have caused.

Benjamin had cautious hopes that the Governor's Office would act on what he says are discriminatory hiring practices. But the Governor's Office has made no comment to his allegations, he said. "We've given them enough time. We're going to start proceedings," he said last week.

Acting Commissioner Chinlund, reached by telephone Friday, said that he wasn't sure whether Benjamin was qualified. "We needed a balanced staff involving individuals who can make field visits to correctional institutions, be helpful with policy suggestions, investigate inmate deaths, assess medical services, and be helpful in working toward the implementation of the grievance procedure," he said. "I never denied Mr. Benjamin a job, I only asked for more time to decide just what kinds of people I needed to work for the commission," Chinlund added.

Recently, Chinlund has hired two ex-offenders who, he says, "know the flexibility of being helpful in all of the above areas."

Benjamin is engaged in a state-wide campaign he says will make known such discriminatory practices of the commission. He is now planning a paid speaking tour of colleges and universities in New York to help finance the campaign. Benjamin said he still wants the job.

Benjamin said that one positive result of his efforts thus far is that ex-offenders are coming out and protesting other instances of job discrimination, which he terms tantamount to telling ex-offenders to "go and steal."

Octoberfest!

Students, faculty and staff frolic at an administration-sponsored Octoberfest last Friday. Registrar Charles Wallin got a lesson in **The Hustle** as...

– photos by Nancy Mulloy

...Dave Brady and Shelley Davis tipped a few to the strains of the Ackerman Quartet.

Classifieds

FOR INFORMATION on BAR/BRI early enrollment discount, check with Steve DeBaun, Tina Dogopal, Sharyn Rogers, Mike Cooperman, or Mike Tantillo.

THE UNIVERSITY Union Activities Board (UUAB) sponsors coffeehouses every weekend. Friday performances are at the Ellicott Complex on the Amherst Campus, and Saturday performances are at Norton Hall on the Main Street Campus. Time: 8:30 p.m. Cost: $1.00 students, $1.25 faculty & staff, $1.50 all others.

ANY STAMP collectors who would like to do some trading, call Tim at 837-6634.